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REMARKS

The Office Action of April 5, 2005, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

In the above Office Action, claims 1-6, 14 and 17 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Fisher* (U.S. Patent No. 5,290,270); claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fisher*, claims 1-7 were rejected under 35 U.S.C. § 193(a) as being unpatentable over *Fisher* in view of *Cottenden* (U.S. Patent No. 5,702,381); claim 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fisher* in view of *Cottenden* in further view of *Buell* (U.S. Patent No. 5,197,959); and claim 18 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Fisher* in view of *Widlund et al.* (U.S. Patent No. 5,355,452).

In addition, the drawings were objected to under 37 C.F.R. § 1.83(a) for failing to illustrate the feature of claim 9. Responsive to this objection, the Examiner's attention is directed to Figures 10 and 11, disclosing absorption bodies 30 and 31 with absorption body 30 serving as a deformation zone. The specification has been amended above to clarify the presence of absorption body 31. In view of the above clarification, Applicant respectfully contends that the objection to the drawings has been obviated.

The Examiner has also objected to the abstract of the disclosure for being too long. Applicant submits that the currently pending abstract, as submitted with the specification on July 3, 2003, complies with the requirements for proper language and format and contains only 149 words. It is believed the Examiner may have

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inadvertently considered the translated abstract of the provisional application rather than the revised abstract submitted with the present application. Thus, this objection should be withdrawn.

The present invention as recited in amended claim 1 is directed to a disposable product intended to be thrown away after use. In contrast, the primary reference upon which the Examiner relies, *Fisher*, concerns a combination of a special undergarment with a disposable insert. The undergarment described in *Fisher* is intended to be washed after use, i.e., to be used as a normal undergarment. An important difference compared to an ordinary undergarment for men is that the undergarment in accordance with *Fisher* is provided with a specific pocket with a fastening device 37 deep in the bottom of the pocket. Said fastening device is intended to cooperate with a second fastening device arranged on a portion of the insert. In column 4, lines 32-35 it is stated: "Then, when the wearer finishes urinating and is tucking himself in, the pocket 38 and snap fasteners prevent the forward portion 48 of the liner 3 from being pulled apart from the brief. Without such means of attachment the liner tends to separate from the brief."

Applicants submit that such a construction, as described in *Fisher*, will not satisfactorily provide a disposable undergarment for men. It is an unpleasant task to change a wet insert for a new one or even to just remove a wet insert from the undergarment when it is going to be washed. The undergarment (men's brief) in accordance with *Fisher* is also very expensive to produce due to the pocket and fastening devices, which details are not present in an ordinary undergarment for men. Also, the insert with an applied fastening device is difficult to produce. A further problem with a construction according to *Fisher* is that the undergarment

must be produced in a multitude of different sizes in order to fit users of different sizes.

Thus, Applicant submits that the construction according to *Fisher* is not a realistic solution and one skilled in the art would not rely on a construction in accordance with the teaching of *Fisher* when designing a disposable undergarment for men. The teaching in *Fisher* is, in Applicant's view, of technical levels of the 1960's and early 1970's when two-piece products held together with snap fasteners were frequent proposals.

Claim 1 of the present application states: "that the absorbent element is configured with one or more deformation zones". The Examiner contends that *Fisher* includes deformation zones 36/38/28 in the absorbent element 34; however, Applicant submits that the alleged deformation zones noted by the Examiner are portions of the brief 10 -- not portions of the absorbent element. Hence, in contrast to the claimed invention, Applicant submits that the insert 34 of *Fisher* lacks the recited deformation zones.

Relative to the absorbent element, *Fisher* only discloses that the insert 34 is highly flexible. Applicant contends that it is not satisfactory that the insert is flexible, i.e., can be bent when the front part of the men's brief is drawn outwards and down as shown in Figure 6 of *Fisher*. In order to function satisfactorily, deformation zones must be arranged on the absorbent element itself to allow the front part to be drawn down correctly and not outwards, which is the case with the construction according to *Fisher*.

As described in the description in the present application, it has been a long development towards so-called "pull-ups", which are pant-shaped, absorbent

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products intended to be used only once and thereafter disposed. The technical challenge for producing such articles at very high speed is enormous. Modern pant-shaped absorbent disposable products contain very elastic regions for several reasons. It is an economic advantage to be able to produce the products in just a few sizes which sizes match users of different sizes. It is also important that the products can be stretched easily so that it is convenient to apply and take off the product.

Therefore, in summary, Applicant submits that the primary reference to *Fisher* falls to disclose or suggest a disposable absorbent product for males or an absorbent element configured with one or more deformation zones, as recited in claim 1. Thus, Applicant contends that claim 1 is patentable over the cited prior art, and that the remaining claims are also in condition for allowance based at least upon their dependence on claim 1.

CONCLUSION

In view of the above amendments and remarks, Applicant respectfully submits that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

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Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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